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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

2005 MAY 23 P 2:19

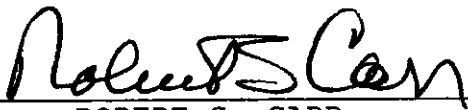
Adi Supreme God Allah, #145078,)	C. A. No. 2:04-23163-PMD-RSC
)	
)	
Plaintiff,)	
)	
-versus-)	<u>ORDER</u>
)	
A. J. Padula, Warden, et al.,)	
)	
Defendants.)	

The *pro se* plaintiff brought this action seeking relief pursuant to 42 U.S.C. § 1983 on December 3, 2004. On April 12, 2005, the defendants filed a motion for summary judgment. By order of this court filed April 13, 2005, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of dismissal and summary judgment procedures and the possible consequences if he failed to respond adequately.

On April 22, 2005, the plaintiff filed a Notice of Request for Voluntary Dismissal. On April 26, 2005, the undersigned filed a Report and Recommendation that the complaint be dismissed. On that same date, the plaintiff filed a letter with the court requesting that the court disregard his earlier request to dismiss. On May 13, 2005, the Honorable Patrick Michael Duffy, United States District Judge, entered an Order referring the case back to the Magistrate Judge and mooting plaintiff's Notice of Request of Voluntary Dismissal. The plaintiff has never responded to the April 12, 2005, motion for summary judgment.

Since the plaintiff has failed to respond, **IT IS ORDERED** that the plaintiff shall have a period of **ten (10) days** from the date of this order in which to file his response to the defendants' motion for summary judgment. The plaintiff is advised that if he fails to respond, this action will be dismissed for failure to prosecute. Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978).

IT IS SO ORDERED.



ROBERT S. CARR
UNITED STATES MAGISTRATE JUDGE

Charleston, South Carolina

May 23, 2005